

Pass-A-Grille Beach Community Church, Inc. v. City of St. Pete Beach, No. 8:20-cv-1952-TPB-SPF, 2021 WL 252372 (M.D. Fla. Jan. 26, 2021)

Middle District of Florida Grants Preliminary Injunction Holding That Restrictions on Church’s Parking Lot Placed a Substantial Burden on Its Sincerely Held Religious Beliefs

Pass-a-Grille Beach Community Church, Inc. (“the Church”) is located in the City of St. Pete Beach, Florida (the “City”) across from Pass-a-Grille Beach. For over 60 years, the Church allowed the public to use its parking lot to access the beach. Over the years, it provided parking for free, but occasionally asked for donations to fund their youth group’s mission trips. The Church offered the parking to attract people to the Church and because it provided a unique opportunity to serve the community and reach out to people who would not otherwise come to the Church.

In June 2016, the City began citing the Church for violations of municipal parking restrictions on commercial parking lots. That year, the Church’s parking practice was litigated and one of the City’s special magistrates ordered that the Church may accept donations as long as the parking was not advertised as a “fundraiser.” Nonetheless, the Church’s neighbors remained unhappy with the parking practice and complained to City officials. Finding merit in the complaints, the City again cited the Church for violations on June 16, 2020. In doing so, the City found that the land use ordinances prohibited the Church from allowing anyone who is not a “customer” or “patron” from using the Church’s parking lot.

The Church brought suit under the Religious Land Use and Institutionalized Persons Act (the “Act”) and the First Amendment, and sought a preliminary injunction from the court. The Church argued that the land use regulation restricting the use of its parking lot presented a substantial burden on its sincerely held beliefs, restricted its free exercise of religion, and treated the Church differently than other non-religious places of assembly. The court granted the injunction holding that the Church had presented a substantial likelihood of prevailing on the merits of its substantial burden claim.

The court first reviewed the Church’s substantial burden claim brought under the Act. The court used the “substantial burden” test, explaining that on one end of the spectrum an “incidental effect” or “inconvenience” on religious exercise does not constitute a substantial burden; at the other end, however, pressures that tend to force supporters to change their behavior can result in a substantial burden. The court held that the Church had established a substantial burden because the City had prohibited the Church from using its own parking lot unless people used it for a “legitimate church purpose.”

Additionally, the City challenged the *sincerity* of the Church’s religious beliefs regarding the parking lot. When determining the sincerity of a claim, the court’s inquiry is limited to only asking whether the claimant is essentially trying to perpetuate a fraud on the court. That is, whether the claim is credible or not. Here, the court held that the Church’s beliefs were sincere.

Regarding the Church's claim that the City treated the Church differently than other non-religious places of assembly, the court held that, at that point in the litigation, the Church had not established a likelihood of prevailing on the merits of the claim. The court did not address the Church's First Amendment claim.